

TREE WORKS CONSENT REPORT

REF NO: FN/93/10/T

LOCATION: Woodland r/o
3, 4 & 7 Convent Gardens
Findon

PROPOSAL: Various tree surgery

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The schedule of works is as follows:- - Replace or adjust an existing tree brace on one Copper Beech. - Reduce canopy of one Pin Oak by 3-5 metres and re-shape. - Fell one Sycamore. - Remove poorer specimens of a group of Cherry Trees. - Remove deadwood and excessively long branches overhanging highway of trees on Nepcote Lane boundary.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	The woodland is on land that raises up a bank approximately 2 metres above the level of the highway before forming a plateau.
TREES	The trees for which permission is being requested for works to be undertaken on are within a strip of woodland that forms a buffer between Nepcote Lane and residential development to the north. The woodland contains a variety of established trees and saplings.
BOUNDARY TREATMENT	The woodland faces directly onto Nepcote Lane on the southern boundary whilst it is bordered by approximately 1.8 metre high timber fencing where it backs onto gardens of residential properties to the north.
SITE CHARACTERISTICS	The site is a strip of established woodland containing predominantly coniferous trees.
CHARACTER OF LOCALITY	The site is located alongside a narrow road which is lined, on the south by detached bungalow dwellings which are set back behind grass verging and a line of mature trees.

The north of the road is bordered by a strip of woodland which has an enhanced visual presence due to being raised above the level of the road. This woodland provides screening for housing development to the rear of it and helps to maintain the established semi-rural appearance of the surrounding area.

RELEVANT SITE HISTORY

FN/43/00/T	Lopping 1 Elder, 1 Elm, 1 Lime and 1 Sycamore tree.	Approve Cond 04-09-2000
FN/41/00/T	Lopping of one Ash and one Sycamore tree and removal of saplings	Approve Cond 05-09-2000
FN/52/01/T	Lopping of branches of 4 Lime trees allowing clearance from ground level to a height of 4m.	Approve Cond 08-08-2001
FN/18/05/T	Felling and surgery to various trees.	Approve Cond 13-04-2005
FN/64/07/T	Thin crown by 20% of two Sycamore trees.	Approve Cond 14-12-2007
FN/65/07/T	Surgery to various trees	Approve Cond 14-12-2007
FN/43/09/T	Reduce & reshape one Sycamore by 40%, lift one Holly by 3.5m, lift one Bay tree by 3.5m, fell sub-dominant stem to one Sycamore and reduce remainder by 30%, fell one dying Picea tree.	Approve Cond 17-09-2009

REPRESENTATIONS

Representations received:

Findon Parish Council: Objection.

There has been a gradual process of clearing and pruning of the trees in this location both through applications and, we suspect, unofficial actions, all carried out we suggest for residential reasons other than consideration for the trees, many of which have TPO's , including those in this application.

The trees noted in this application along Nepcote Lane are perfectly healthy and well rooted with no excessive branches over the highway. These trees form an important screen to hide the development of Convent Gardens from Nepcote Lane and make an attractive visual statement in this landscape with those opposite to preserve the rural setting of Nepcote Lane.

We are very concerned regarding the gradual reduction of this woodland and request an urgent meeting with Arun District Council's arboriculturalist on site to check these proposals before this application is put before the Planning Office for determination, and request consideration to applying a woodland order for added protection of the area.

Comments on Representations received:

Noted. It is agreed that the woodland to the north of Nepcote Lane does provide a valuable amenity contribution through screening buildings and preserving a semi-rural appearance. However, the trees that are to be felled are not considered to possess any significant individual value, indeed, the Cherry trees are not covered by a TPO. The proposed works are considered to be in the interests of managing the woodland, ensuring that it continues to enhance the character and appearance of the surrounding area.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

I am satisfied that the proposed work will benefit the woodland, in accordance with good management and is acceptable.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area

Within National park

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The proposed works involve surgery, including felling, to a number of trees covered by a TPO (TPO/FN/1/95). A Tree Preservation Order enables the Local Planning Authority to exercise a degree of control over surgery to protected trees. It does not prohibit felling but ensures that this, and other surgery, can be controlled, with impacts on amenities and safety taken into account.

VISUAL AMENITY:

The trees which will be worked upon are part of a belt of woodland that possesses high amenity value by way of acting as a buffer between Nepcote Lane and residential development to the north. Through providing a screening effect, these trees perform a valuable function in preserving the semi-rural character and appearance of the surrounding area.

TPO COVERAGE:

The schedule of works includes the adjustment/replacement of a brace on a Copper Beech tree, this work would not require consent. Also included is works, including felling, to a thicket of Cherry trees, records show that these trees are not covered by any TPO, nor are the trees within a Conservation Area, therefore, these works would not require consent to be granted.

FELLINGS:

A Sycamore tree that is covered by the order is to be felled. This tree, individually, does not possess a high amenity value, it is not immediately visible from Nepcote Lane as it is set back behind a line of Sycamores that flank the road. It is considered there are sufficient amounts of trees nearby to mitigate its loss and preserve the characteristics of the woodland.

OTHER SURGERY:

The other aspects of the application involve surgery to trees which are considered to be in the interests of woodland management and will help to ensure that the trees remain healthy and safe and continue to contribute to the character and appearance of the area.

SUMMARY:

It is considered that the proposed works will not detract from the quality of the woodland nor be detrimental to the character and appearance of the surrounding area by way of materially reducing the level of screening the woodland provides. The Council's Arboriculturalist has visited the site and is satisfied with the proposed works.

It is therefore recommended that the application is approved, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The works hereby approved shall involve as follows:-

1. Reduction by 3 to 5 metres in the height and weight, and re-shaping of one Pin Oak.

2. The felling of one Sycamore.

3. The removal of deadwood and branches of trees on the boundary with Nepcote Lane that overhang the highway and are less than 5.2 metres above the level of the highway.

All works shall be carried out in accordance with BS 3998: 1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 2 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

- 4 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 5 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.